IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE THIRD DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 11666 of 2004

Between:

M/s.Anupama Homes India Pvt. Ltd., a company registered under Indian companies Act, 1956, having its registered Office at.1073, Nagarjuna nagar, Hyderabad-500873 represented by its Managing Director, Sri V.Ranga Rao, S/o late Sri V.Prasada Rao, Nagarjuna Nagar, Hyderabad.

... PETITIONER

AND

1 The Station House officer, Panjagutta Police Station, Panjagutta, Hyderabad.
2 The Commissioner of Police, Hyderabad.

.... RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to grant order or direction or writ, more so in the nature of writ of Mandamus, declaring the inaction of the respondents in initiating and completing the enquiry under FIR No.1924/2003, is

illegal, arbitrary and violative of provisions of Article 14 of Constitution of India and the duty cast upon them under the provisions of Indian Penal Code and Criminal Procedure Code and direct them to complete the enquiry and take necessary action to prosecute Sri Jayaprasada Raja and pass such other order or orders as the Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner: MR.R.RAGHUNANDAN

Counsel for the Respondents: GP FOR HOME

The Court at the admission stage made the following:

O R D E R:

This Writ Petition is filed seeking a declaration that the alleged inaction on the part of the respondents in initiating and completing the enquiry under F.I.R.No.1924/2003 as arbitrary, illegal and violative of the provisions of Article 14 of the Constitution of India and seeking a further direction to the respondents to complete the enquiry and take necessary action in accordance with Law.

2. On behalf of the respondents, the first respondent-Inspector of Police, Panjagutta Police Station, Hyderabad, filed a counter affidavit stating that on the basis of the complaint made by the petitioner on 08.03.2004 before the first respondent, a case in Crime No.274/2004 has been registered for the offences under Sections 420, 408 and 419 I.P.C against one P. Jaya Prasad Raja. Thereafter, a preliminary investigation was conducted and since the amount involved in the crime exceeds Rs.30.00 lakhs, as per the directions of the first respondent dated 6.5.2004, the case has been transferred to Central Crime Station, Detective Department, Hyderabad, for further investigation. Thus, it is stated that there is no inaction on the part of the respondents as alleged by the petitioner.

3. As can be seen from the counter affidavit, the respondents have registered the crime immediately after the complaint was received

and the case has been transferred to Central Crime Station, Detective Department, Hyderabad. Therefore, the alleged inaction is without any basis. The proceedings are now pending before the Central Crime Station, Detective Department, Hyderabad, which is not a party to this writ petition, and there is also no allegation against it.

4. Under the above circumstances, the writ petition is closed granting liberty to the petitioner to initiate fresh proceedings if necessity thereof arises. No order as to costs.

Dated: 03rd August 2004

Sd/-

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Station House officer, Panjagutta Police Station, Panjagutta, Hyderabad.

2 The Commissioner of Police, Hyderabad.

3 2 CCS to G.P for Home, High Court of A.P.,Hyd. (OUT)

4 2 CD copies

RAR/GBS